

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

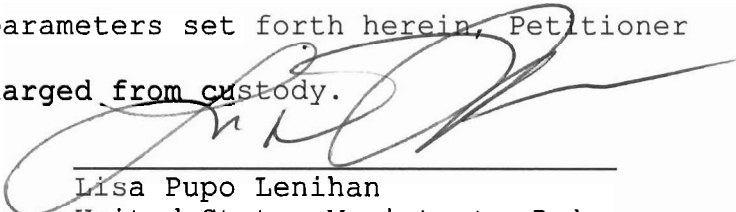
TRACY LINDSAY,)	
Petitioner)	
)	
v.)	Civil No. 03-837
)	
FRANK GILLIS, et al.,)	
Respondent)	

ORDER OF COURT

AND NOW, to-wit, this 24th day of October, 2007, upon consideration of the Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, it is hereby ORDERED, ADJUDGED AND DECREED that said petition be GRANTED.

IT IS FURTHER ORDERED that the Commonwealth has 60 days to reinstate Petitioner's direct appellate rights. Specifically, Petitioner's direct appeal rights are to be reinstated at the stage in the appellate proceedings where he was abandoned by appellate counsel, i.e., following the Superior Court's decision affirming his conviction, to afford Petitioner an opportunity to file a timely petition for allowance of appeal and/or a timely petition challenging his conviction under the Post Conviction Relief Act.

IT IS FURTHER ORDERED that unless the Court of Common Pleas, Fayette County, enters an order reinstating Petitioner's direct appeal rights within the parameters set forth herein, Petitioner shall be immediately discharged from custody.



Lisa Pupo Lenihan
United States Magistrate Judge